

## 2009 DRAFTING REQUEST

### Bill

Received: **01/29/2009**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Willing**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - medical assistance**

Extra Copies: **TJD**

Submit via email: **NO**

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### Pre Topic:

DOA:.....Willing -

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### Topic:

MA trust fund increase; nursing home operating deficit

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### Instructions:

See attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	rryan 01/29/2009	kfollett 01/29/2009	phenry 01/29/2009	_____	lparisi 01/29/2009		S&L
/2	rryan 02/02/2009	kfollett 02/02/2009	rschluet 02/02/2009	_____	mbarman 02/02/2009		S&L
/3	rryan 02/09/2009	nmatzke 02/09/2009	phenry 02/09/2009	_____	lparisi 02/09/2009		

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FE Sent For:

*1/3 nwn  
2/19*  
*J/gh  
ph*  
*J/gh  
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/1	rryan 01/29/2009	kfollett 01/29/2009	phenry 01/29/2009	_____	lparisi 01/29/2009		

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*12/16/09 f*  
*2/2*  
*[Signature]*  
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1/29

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<END>

FE Sent For:

**Ryan, Robin**

**From:** Willing, Krista - DOA [Krista.Willing@wisconsin.gov]  
**Sent:** Thursday, January 29, 2009 9:57 AM  
**To:** Ryan, Robin  
**Subject:** FW: Statutory Language Changes  
**Importance:** High  
**Attachments:** image001.gif; image002.gif; image003.gif

Hi Robin,

Below are two changes that we need to make to LRB-1660/2. I will call you to discuss.

Thanks,  
Krista

**Krista Willing**  
 Health and Insurance Team  
 Division of Executive Budget and Finance  
 (608) 267-7980  
 Krista.Willing@wisconsin.gov

**From:** Gauger, Michelle C - DOA  
**Sent:** Thursday, January 29, 2009 9:53 AM  
**To:** Willing, Krista - DOA  
**Subject:** Statutory Language Changes  
**Importance:** High

Krista,

Two changes:

1. Revision – the amount appropriated to Medicaid in FY 09 needs to be \$50 million GPR to 4(b) and an increase in expenditure authority of \$62 million in 4(w). *in biennial budget bill*
2. New request to be included in that draft – under 49.45(6u)(7)(b), statutes require DHS to disburse federal medical assistance funds in excess of the amount anticipated and budgeted as revenue in the biennial budget act for the fiscal year in which the funds are received. This provision should be changed so that it is the amount anticipated and budgeted as revenue in the biennial budget act or subsequent legislation for the fiscal year in which the funds are received. The intent of this change is to allow the amount of anticipated revenue to be reestimated in budget adjustment bills or separate legislation. *in budget adjustment bill*

*budget bill*



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1867?

RLR:.....

In 1629/09

DOA:.....Willing - MA trust fund increase; nursing home operating deficit

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

RMR

Don't Gen

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

X Current law caps the amount that DHS may distribute under MA to nursing homes, that are owned and operated by a local government (public nursing homes), to reduce operating deficits incurred by the nursing homes. However, current law also provides that if the state receives more federal MA revenue for reduction of operating deficits incurred by public nursing homes than is anticipated and budgeted in the biennial budget, then DHS must distribute that excess amount to the nursing homes. This bill provides that DHS must distribute to public nursing homes any federal MA revenue received for reduction of operating deficits incurred by public nursing homes that is in excess of the amount anticipated and budgeted in the biennial budget act and any other act that increases or decreases the amount of federal MA revenue budgeted for operating deficits incurred by public nursing homes.

The bill also increases, by \$62,000,000, the amount appropriated for MA from the MA trust fund for state fiscal year 2008-09.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 49.45 (6u) (b) of the statutes is amended to read:

2           49.45 (6u) (b) Notwithstanding the limitation on the amount of disbursements  
3           under par. (am) (intro.), from the appropriation under s. 20.435 (4) (wm), the  
4           department shall, using the criteria specified in par. (am) 1. to 7., disburse any  
5           federal medical assistance funds that are received by the state as ~~matching funds to~~  
6           federal financial participation for operating deficits incurred by a facility that is  
7           operated by a county, city, village, or town and that are in excess of the amount of  
8           ~~match~~ federal financial participation anticipated and budgeted as revenue in the  
9           biennial budget act, and any act that increases or decreases the amount appropriated  
10          for such operating deficits and that is effective after the biennial budget, for the fiscal  
11          year in which the funds are received.

**History:** 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153.

12           **SECTION 9222. Fiscal changes; Health Services.**

13           A.R. (1) MEDICAL ASSISTANCE 2009-10 APPROPRIATION. In the schedule under section  
14           20.005 (3) of the statutes for the appropriation to the department of health services  
15           under section 20.435 (4) (w) of the statutes, as affected by the acts of 2009, the dollar  
16           amount is increased by \$62,000,000 for the second fiscal year of the fiscal biennium  
17           in which this subsection takes effect for the purposes for which the appropriation is  
18           made.

19           **SECTION 9422. Effective dates; Health Services.**

9282

1 (1) MEDICAL ASSISTANCE 2009-10 APPROPRIATION. The treatment of SECTION 9411

2 ( ) takes effect on on the day after publication.

3 (END)

A.R.  
↑



2/2/09

DOA:.....Willing - MA trust fund increase; nursing home operating deficit

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

RM/R

Don't Gen

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

Current law caps the amount that DHS may distribute under MA to nursing homes, that are owned and operated by a local government (public nursing homes), to reduce operating deficits incurred by the nursing homes. However, current law also provides that if the state receives more federal MA revenue for reduction of operating deficits incurred by public nursing homes than is anticipated and budgeted in the biennial budget, then DHS must distribute that excess amount to the nursing homes. This bill provides that DHS must distribute to public nursing homes any federal MA revenue received for reduction of operating deficits incurred by public nursing homes that is in excess of the amount anticipated and budgeted in the biennial budget act and any other act that increases or decreases the amount of federal MA revenue budgeted for operating deficits incurred by public nursing homes.

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12           **SECTION 9222. Fiscal changes; Health Services.**

13           (1) MEDICAL ASSISTANCE 2009-10 APPROPRIATION. In the schedule under section  
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JNS 3 →

(END)

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1867/2ins  
RLR:.....

1

2

~~SECTION 9422. Effective dates; Health Services.~~

3

~~(1)~~ NURSING HOME OPERATING DEFICITS. The treatment of section 49.45 (6u) (b)

4

of the statutes takes effect on the day after publication.



State of Wisconsin  
2009 - 2010 LEGISLATURE

3  
LRB-1867/2  
RLR:kjfrs  
enwn

2/9/09

DOA:.....Willing - MA trust fund increase; nursing home operating deficit

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

RMR

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State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1867/3  
RLR:kjf&nwn:ph

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